



# Water Quality NewsFlash

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**Aquatic Pesticides – When are permits required?** – Aquatic pesticides, including herbicides, are sometimes applied to waterways to eliminate nuisance plants. Whether this use of pesticides requires a National Pollutant Discharge Elimination System (NPDES) permit has been unclear in the past, with differing policies at the State and Federal level. Now the State Water Resources Control Board (SWRCB) has issued a memo interpreting the latest ruling from the Federal 9<sup>th</sup> Circuit Court of Appeals. The memo concludes:

The court held that an NPDES permit is not required where a pesticide is applied intentionally, in accordance with label instructions, *and there is no residue or unintended effect*. But where a pesticide is applied in accordance with a Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) label, but the pesticide remains in the water following its intentional and beneficial function, an NPDES permit is required. [emphasis added]

Prior guidance from the SWRCB specified that permits were required for any discharge of aquatic pesticides. The issue is still not clearly resolved since guidance is not available defining when the pesticide has ceased “performing its intended purpose” and would therefore need a permit if it still remains in the waterway. Caltrans staff should consult with Department counsel if they have any questions regarding the decision. The new Board memo and a matrix describing commonly used pesticides are posted.. <http://www.waterboards.ca.gov/aquatic/index.html>

**LA Trash TMDLs – Article describes Caltrans GSRDs** - The October 2005 issue of *Civil Engineering Magazine* has an article on Caltrans efforts to implement trash controls on the Los Angeles River and Ballona Creek. The trash *total maximum daily loads* (TMDLs) for these waterways require that all trash be eliminated over a 10-year period. The trash loading from Caltrans roadways to the LA River is estimated at 7,944 cu ft (225 m<sup>3</sup>) a year. To comply with the TMDL implementation plan, Caltrans needed a treatment device that would capture all particles that could be retained by a mesh screen with openings 0.2 in. (5 mm) square (one-year design storm). In addition, the device needed to convey the peak runoff generated by a 25-year storm event and drain completely within 72 hours to avoid mosquito breeding.

Caltrans developed its own treatment units called *gross solids removal devices*. The construction of these treatment units is supplemented by additional efforts to control litter including the ongoing *Don't Trash California* public education campaign. Article: <http://www.pubs.asce.org/ceonline/ceonline05/1005feat.html>

**LA Metals TMDLs – State Board issues approval** – At its meeting on October 20, the SWRCB approved the TMDLs intended to reduce the discharge of toxic metals to the LA River and Ballona Cr. Agenda Items #7 and #8: <http://www.swrcb.ca.gov/agendas/2005/october/102005mtg.html>

**LA River – Public meetings for river improvement plan** - LA City has begun a series of 18 public meetings as a prelude to a potential major public works project to restore sections of the river to a more natural state. Much of the river is cement-lined and the river currently serves primarily as a flood control channel. <http://www.calcoast.org/news/water0050912.html>

WQ NewsFlash is a weekly update of storm water and related news for the Department. *Verify information before taking action on these bulletins.* Contact Betty Sanchez, [Betty\\_Sanchez@dot.ca.gov](mailto:Betty_Sanchez@dot.ca.gov) (916) 653-2115, or Fred Krieger, (510) 843-7889, [fkrieger@msn.com](mailto:fkrieger@msn.com) with questions or to be added or deleted from e-mail list. Posted online at: <http://www.dot.ca.gov/hq/env/stormwater/publicat/newsflash/index.htm>